

# Cost of litigation

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Pomona has matched legal muscle in an ever-expanding battle over the Religious Land Use and Institutionalized Persons Act. No outcome can be predicted, although the federal law, written broadly to protect religious institutions' access to land use, swings the odds away from municipalities.

In one corner, there is Congregation Rabbinical College of Tartikov, which wants to build a large campus with residential dwellings for rabbis who will undertake a 15-year course of study to serve in religious courts around the world. The college has yet to formally file any kind of variance request or land-use plan with the Village of Pomona. Nevertheless, it has made a preemptive move by filing a lawsuit in U.S. District Court in White Plains alleging that the village's attitude violated its civil rights as protected by RLUIPA, the U.S. and New York constitutions, and the federal Fair Housing Act.

The underdog is the Village of Pomona. In its favor is the fact that it has been steadfast in its land-use policy to all comers. To put it bluntly, it has been equally inflexible with all land-use applicants for years.

## **The legal players**

Pomona will retain the services of Robinson & Cole, a law firm with offices in the Northeast and Florida, a heavyweight in land-use, civil rights and discrimination litigation. Their own village attorney, Doris Ulman, also attorney for Chestnut Ridge, also has a background in RLUIPA, a seeming prerequisite for a municipal attorney in Ramapo. And even before their March election victory, three Village Community Party candidates, now elected, had consulted with RLUIPA expert Marci Hamilton of the Benjamin N. Cardozo School of Law at Yeshiva University, now hired to represent the village.

That's a match for Tartikov's top-shelf team: RLUIPA expert Roman P. Storzer, who worked for many years with the Beckett Fund, and civil rights lawyer John Stepanovich, whose legal background includes challenging Airmont's zoning decisions on the basis of discrimination. But wait, there's more: Local attorney Paul Savad of Nanuet is representing the kollel, or religious institute, and public relations giant Rubenstein Associates Inc. of New York City is on board.

A Hamilton-Storzer face-off has occurred many times before, in the courts and in spirited law school and American Bar Association debates. They have had a little point-counterpoint on

this page, with subsequent Community View columns on the Pomona issue. On the whole, court cases have tipped overwhelmingly to Storzer's clients.

### **At stake**

Little old Pomona, with a population of around 3,000, should be flattered. But with such important issues at stake, and with 250 students and their families expected for just the first phase of the college plan, villagers are more than concerned. Fear, in fact, has set in. While the mayor and village trustees have used careful and specific language, the same cannot be said for all village and town residents. Comments that cross the line from anti-development to anti-Semitic are never acceptable.

There was little doubt that the future of the 130-acre site off routes 202 and 306 would be explored in a courtroom. It happened sooner than later. The bitterness that is seeping into many corners of Ramapo as development, often tied to religious organizations, comes is an unfortunate price this community will pay. Legal fees will likely become astronomical, but that's a cost more easily borne.

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